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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Docket 19-CR-26-J
)	
CHARLES WINIFRED WINTERS, JR.)	
)	
Defendant.)	

**DEFENDANT WINTERS AND DEFENDANT HERMAN'S JOINT MOTION TO
CONTINUE JURY TRIAL**

COMES NOW the Defendant, Charles Winifred Winters, by and through counsel, Zenith S. Ward, and joined by Defendant Justin Herman, and move the Court to enter an Order vacating the jury trial in this matter currently scheduled for September 20, 2021. In support of the Motion Defendants show the Court as follows:

1. On December 5, 2019, the Court entered a *Discovery Order* that prohibited counsel for Defendant Winters from sharing any discovery with Defendant Winters without a member of the defense team being physically present with the Defendant. (ECM No 85). Defendant Winters resides in his home state of Florida while released on bond. On May 20, 2020, the Court entered an *Order Granting Defendant Winter's Uncontested Motion to Modify Defendant's Access to Discovery* which allowed counsel to share discovery with Defendant Winters, so long as personal identifying information of others and bank records for accounts not belonging to Defendant Winters or his related businesses were first

redacted or removed. (ECM 156). Beginning on or about May 20, 2020, undersigned counsel's office staff began reviewing discovery, redacting the discovery documents as required by the amended *Discovery Order*, and sharing the redacted discovery with Defendant Winters. From May of 2020 through December of 2020 counsel for Winters' office staff spent approximately 130 hours (or approximately 20 hours per month) reviewing and redacting discovery documents. From December, 2020, through June 30, 2021, counsel for Winters' office staff has spent over 305 hours (approximately 43 hours per month) redacting discovery to share with Defendant Winters. As of the date of the filing of this Motion, Winters' counsel has shared approximately 90 of the 150+ files of discovery documents with Defendant Winters.

2. Given the volume of discovery and the time consuming task of reviewing and redacting every page of discovery prior to sharing the same with Defendant Winters, Defendant Winters has not been given an opportunity to review all discovery documents and assist in preparation of his defense in this case.

3. Defendants Herman and Winters have hired an investigator, Rachel Roberts, to interview witnesses to prepare for trial in this matter. The witnesses that need to be interviewed are located across the United States and Canada. Due to CDC Guidelines mandating that individuals not travel until fully vaccinated, Ms. Roberts was not able to begin traveling to interview witnesses until May 7, 2021. Ms. Roberts conducted her first out-of-state interview toward the end of May, 2021. Ms. Roberts was not able to continue conducting out-of-state interviews until she received payment for her May, 2021, trip, and she did not receive payment for that trip until July 6, 2021. A Declaration of Rachel Roberts, CLI, CCDI, Impacts of COVID-19 Pandemic on Defense Investigation is attached hereto as Exhibit "A".

4. Due to COVID related trial continuances and docketing issues, Ms. Roberts

has had three (3) trials that have been rescheduled to occur between now and September 20, 2021. In addition the (3) trials that have been rescheduled to that time period, Ms. Roberts has no less than three (3) multiple-day hearings and trials that are scheduled between now and September 20, 2021. Given Ms. Robert's schedule, it will not be possible for her to conduct all necessary in-person witness interviews between now and the time of trial for Defendants Winters and Herman to be prepared to mount a meaningful defense to the charges herein.

5. Counsel for Defendant Herman is currently in the process of negotiating with a securities expert to retain and testify on Defendants Winters and Herman's behalf at trial. The process for securing a securities expert has proved onerous and drawn out, requiring coordination with the case management attorney for CJA panel counsel in Denver, Colorado, who's involvement is necessary during negotiations with the proposed expert. It is unclear as to whether this process will be complete in time to give the expert the requisite time to prepare for trial.

6. For the reasons stated herein, it is necessary and in the interest of justice to continue the trial currently set for September 20, 2021, for a period of approximately six (6) months.

7. Undersigned counsel has conferred with counsel for Defendant Horn, and Defendant Horn has no objection to the Motion.


8. Undersigned counsel has conferred with counsel for the Government and the Government opposes this Motion.

WHEREFORE Defendant Winters respectfully requests this Court vacate the trial currently scheduled to commence on September 20, 2021, and that the Court set this matter for a Scheduling Conference and Hearing to set a new jury trial date and to calculate excludable delay under the Speedy Trial Act.

DATED this 13th day of July, 2021.

Charles Winifred Winters, Jr., Defendant.

By:


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 13th day of July, 2021, by court electronic submission to all parties.


Zenith S. Ward